

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 56th LEGISLATURE - REGULAR SESSION

JOINT APPROPRIATIONS SUBCOMMITTEE ON LONG-RANGE PLANNING

Call to Order: By **CHAIRMAN ERNEST BERGSAGEL**, on February 4, 1999
at 8:00 A.M., in Room 317 Capitol.

ROLL CALL

Members Present:

Rep. Ernest Bergsagel, Chairman (R)
Sen. Tom A. Beck, Vice Chairman (R)
Sen. J.D. Lynch (D)
Rep. Matt McCann (D)
Rep. Tom Zook (R)

Members Excused: Sen. Chuck Swysgood (R)

Members Absent: None.

Staff Present: Cassandra Drynan, Committee Secretary
Jane Hamman, OBPP
Pam Joehler, Legislative Branch

Please Note: These are summary minutes. Testimony and
discussion are paraphrased and condensed.

Committee Business Summary:

Hearing(s) & Date(s) Posted: **HOUSE BILLS 5 & 14 - LONG
RANGE BUILDING PROGRAM,
2/4/1999**

Executive Action: None

HEARING ON HOUSE BILLS 5 & 14 - LONG RANGE BUILDING PROGRAM

DEPARTMENT OF FISH WILDLIFE & PARKS

Mr. Rich Clough, Administrator of the Field Services Division,
FW&P, gave a status report of the department's prior projects,

including the amount of money spent and the amount to be reverted. Questions were asked.

{Tape : 1; Side : A; Approx. Time Counter : 0.8 - 17}

REP. ZOOK asked where the Giant Springs fish hatchery was located. **Mr. Pat Graham**, FW&P, responded.

{Tape : 1; Side : A; Approx. Time Counter : 17 - 18.8}

CHAIRMAN BERGSAGEL asked about the wildlife habitat moneys. **Mr. Don Childress**, FW&P, answered.

{Tape : 1; Side : A; Approx. Time Counter : 21.4 - 23}

CHAIRMAN BERGSAGEL asked what was going on with the Walleye in Miles City. **Mr. Graham** responded.

{Tape : 1; Side : A; Approx. Time Counter : 23.5 - 26.6}

SEN. BECK asked why the department had not spent any of the money that was appropriated in the 55th legislative session for the Bighorn Sheep project. **Mr. Childress** responded. Discussion followed. **Mr. Tom Reily**, Parks Commission, answered questions about the P.N. Bridge in Deerlodge.

{Tape : 1; Side : A; Approx. Time Counter : 26.7 - 29.5}

REP. ZOOK asked what the Future Fish Improvement Program was and why none of the funds had been spent.

{Tape : 1; Side : A; Approx. Time Counter : 30 - 30.8}

Mr. Graham spoke about the Ulm Pishkun project, funds that had been collected and funds that were going to be used to finish the project.

{Tape : 1; Side : A; Approx. Time Counter : 30.8 - 1:B:1.6}

Mr. Graham gave an overview of the department's proposed projects for the 56th legislative session. He stated that the department was asking for \$16.3 million for the biennium, \$8.8 million in maintenance and repair, \$2.4 million in habitat improvements and \$4.9 million in land protection projects. Of the \$16.3 million, \$15 million would come from state special revenue and \$1 million from federal special revenue. He then went through each project. The projects can be located in **EXHIBIT 5 page 182**, from 1-27-99. **Mr. Graham** distributed **EXHIBIT(jlh28a01)**, a future fisheries improvement program report to the 1999 legislature.

{Tape : 1; Side : B; Approx. Time Counter : 3 - 13}

REP. MCCANN asked what it meant that a fractured well be capped.

Mr. Gary Bertellotti, FW&P Fisheries, answered and explained some of the problems the department had with the Bluewater Hatchery project.

{Tape : 1; Side : B; Approx. Time Counter : 13.2 - 16.2}

Mr. Graham continued his presentation and discussed the Citizen Advisory Board which reviews each project and makes recommendations to the Fish Wildlife and Parks Commission.

{Tape : 1; Side : B; Approx. Time Counter : 16.2 - 22.2}

REP. MCCANN asked how many years it would take to establish vegetation in a previously non-vegetated area. **Mr. Graham** responded that within one year a visible difference could be seen.

SEN. LYNCH asked who did the work for these reclamation projects.

Mr. Graham responded that the work was contracted out.

Discussion followed.

{Tape : 1; Side : B; Approx. Time Counter : 22.2 - 24.5}

Mr. Graham discussed some problems encountered with the Brewery Flats project and explained that the project required an additional \$70,000. He also stated that the department may not need the full \$70,000 because the consultant might be held responsible for the cost overrun. He then continued his presentation, covering the Fishing Access Site Program.

{Tape : 1; Side : B; Approx. Time Counter : 24.5 - 30.3}

SEN. LYNCH asked who did the grading of the access roads. **Mr. Graham** explained that the majority of the work was contracted out. He then explained that reallocated moneys would go for operation and maintenance in the form of weed control.

{Tape : 1; Side : B; Approx. Time Counter : 30.3 - 2:A:1.2}

Mr. Graham went over the department's Wildlife Habitat Protection Program, **EXHIBIT(jlh28a02)**, and gave an update of prior projects.

{Tape : 2; Side : A; Approx. Time Counter : 1.2 - 5.7}

SEN. BECK asked what the department's objectives were with conservation easements. **Mr. Graham** responded that their main priority was to prevent subdividing and conserve open space.

{Tape : 2; Side : A; Approx. Time Counter : 5.7 - 8.8}

SEN. LYNCH asked if there was a time limit on the conservation easements, if the landowner was paid all at once and if the state owned the land thereafter. **Mr. Graham** responded.

{Tape : 2; Side : A; Approx. Time Counter : 8.8 - 11.1}

SEN. BECK asked if the landowners could lock out hunters from conservation easement lands. **Mr. Graham** responded that it was negotiable.

{Tape : 2; Side : A; Approx. Time Counter : 11.1 - 12.2}

REP. ZOOK asked if the original rationale for the program was for large land owners with financial stress, and what the reasoning for the perpetuity of the contracts was. **Mr. Graham** responded.

{Tape : 2; Side : A; Approx. Time Counter : 12.2 - 17.5}

Mr. Childress added that there was a requirement by the IRS for perpetuity in the conservation easement contracts in order for the landowners to receive certain tax benefits.

{Tape : 2; Side : A; Approx. Time Counter : 17.8 - 18.3}

Mr. Graham continued to present the department's current projects. He distributed **EXHIBIT(jlh28a03)**. Questions were asked.

{Tape : 2; Side : A; Approx. Time Counter : 19 - 24.6}

SEN. LYNCH asked why there was only one license auctioned for bighorn sheep hunting. **Mr. Graham** responded.

{Tape : 2; Side : A; Approx. Time Counter : 24.6 - 26.6}

SEN. LYNCH asked about a herd he heard was in trouble at Warm Springs. **Mr. Graham** commented that many herds were experiencing difficulties presently. **SEN. LYNCH** asked how many herds there were in Montana, **REP. MCCANN** asked approximately how many bighorn sheep there were. Discussion followed.

{Tape : 2; Side : A; Approx. Time Counter : 26.6 - 2:B:1.2}

SEN. BECK asked how the wolf population was affecting the bighorn sheep numbers. Discussion followed.

{Tape : 2; Side : B; Approx. Time Counter : 1.3 - 3.2}

EXHIBIT(jlh28a04) - Sheep Auction Account Report to the 56th Montana Legislature from FW&P.

Mr. Graham continued his presentation with the Wildlife Habitat Maintenance projects and Parks projects.

{Tape : 2; Side : B; Approx. Time Counter : 4.6 - 26.0}

Mr. Graham distributed **EXHIBIT(jlh28a05)**, proposed amendments to HB 5, and continued his presentation covering the Bluewater Hatchery and Park Roads projects.

{Tape : 2; Side : B; Approx. Time Counter : 26.3 - 32.2}

SEN. BECK asked if the consultant for the Park Roads project gave them a priority listing. **Mr. Doug Monger**, Parks Division, distributed **EXHIBIT (j1h28a06)** - a Road Evaluation Report.
{Tape : 3; Side : A; Approx. Time Counter : 0.1 - 1.4}

Mr. Graham went over the department's Future Fisheries and Habitat Montana projects.
{Tape : 3; Side : A; Approx. Time Counter : 1.4 - 4.4}

SEN. BECK asked if the department was working on any projects at this time. **Mr. Graham** responded that they typically had projects about one year in advance and that they were attempting to evaluate the viability of the projects before jumping into them and that this has allowed them to be much more efficient.
{Tape : 3; Side : A; Approx. Time Counter : 4.6 - 5.8}

Ms. Hamman asked if the department of FW&P had looked at increasing its request for Long Range Building Program funds.
{Tape : 3; Side : A; Approx. Time Counter : 5.8 - 7}

SEN. BECK asked if the department directed some of its Habitat MT moneys into problem areas on individuals' property. **Mr. Graham** explained the criteria the department uses to evaluate potential projects. Discussion followed.
{Tape : 3; Side : A; Approx. Time Counter : 7 - 11.6}

Mr. Graham continued his presentation and covered Cultural and Historical projects. **SEN. BECK** asked if the department was caught up with the project in Bannock and if it was being funded partially with federal money. **Mr. Graham** responded and continued with Wildlife Habitat Maintenance projects. Questions were asked.
{Tape : 3; Side : A; Approx. Time Counter : 11.6 - 20.7}

Ms. Pam Joehler, Legal Fiscal Division, asked for an estimate of the amount of money that goes to the monitoring of easements and why this cost was in **HB 5** instead of **HB 2** with the rest of the operating budget.
{Tape : 3; Side : A; Approx. Time Counter : 20.7 - 21.8}

REP. MCCANN asked how much money from the Wildlife Habitat Maintenance program went to weed control and if any of the money went to help out on private, state or BLM land. **Mr. Graham** responded. Discussion followed concerning some of the block management money, for weed control, going to counties instead of exclusively to private land owners.
{Tape : 3; Side : A; Approx. Time Counter : 21.9 - 3:B:4.1}

Mr. Graham continued his presentation and covered Statewide Hatchery projects, Administrative Facilities Repairs, Motorboat Recreation Parks and the Lewis and Clark Bicentennial projects.

{Tape : 3; Side : B; Approx. Time Counter : 4.4 - 16.6}

REP. ZOOK commented that there was a building at an abandoned lumbar yard in Miles City that the department could purchase for about \$32,000 and use to house a maintenance shop. Discussion followed.

{Tape : 3; Side : B; Approx. Time Counter : 6.9 - 9.1}

Ms. Hamman asked if the department had projections for the number of people anticipated to visit Montana for the Lewis and Clark Bicentennial.

{Tape : 3; Side : B; Approx. Time Counter : 13.7 - 16.5}

Mr. Graham went over the Capitol Irrigation and Landscape project. **REP. ZOOK** asked if this project was included in the Capitol bond request. **Mr. Monger** responded. Discussion followed.

{Tape : 3; Side : B; Approx. Time Counter : 16.6 - 20}

Mr. Graham discussed the Fishing Access Site Protection and proposed amendments to the project. He then covered the Fishing Access Site Acquisition program. **REP. ZOOK** asked if the department made improvements to their access sites that were leased. **Mr. Graham** stated that they did if the lease was long term. **REP. MCCANN** asked how the length of the leases was determined.

{Tape : 3; Side : B; Approx. Time Counter : 20 - 25.5}

Mr. Graham explained the Waterfowl Stamp and Bighorn Sheep programs. He then went over three amendments in **EXHIBIT 5**.

{Tape : 3; Side : B; Approx. Time Counter : 25.5 - 31.7}

REP. MCCANN asked for the total amount the department was asking in Long Range Building Program funds. **Mr. Graham** responded that they were asking for \$16.3 million. **REP. MCCANN** asked if the department was increasing their licensing fees. **Mr. Graham** explained why they did not need to increase their licensing fees for several years. Discussion followed.

{Tape : 4; Side : A; Approx. Time Counter : 0 - 7}

Mr. Jerry Wells, Montana Council of Trout Unlimited, spoke in support of the Future Fisheries and Fishing Access projects.

{Tape : 4; Side : A; Approx. Time Counter : 8.5 - 9}

SEN. BECK asked if the Department of Fish Wildlife & Parks was involved with the proposal to install a warm water fish hatchery at Fort Peck. **Mr. Graham** responded.

{Tape : 4; Side : A; Approx. Time Counter : 10 - 15.8}

DEPARTMENT OF FISH WILDLIFE & PARKS - CLOSED

ADJOURNMENT

Adjournment: 12:00 P.M.

REP. ERNEST BERGSAGEL, Chairman

CASSANDRA DRYNAN, Secretary

EB/CD

EXHIBIT (j1h28aad)